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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

CASE NO. 3:10-md-2143 RS (JCS)

**JOINT DISCOVERY CONFERENCE
STATEMENT**

This document relates to:

ALL ACTIONS

Date: April 4, 2013
Time: 10:00 a.m.
Courtroom: G, 15th Floor
Judge: Honorable Joseph C. Spero

DATE ACTION FILED: Oct. 27, 2009

Pursuant to the Court's March 1, 2013 Civil Minute Order (Dkt. 775), the parties hereby file the following Discovery Conference Statement:

A. Status of Defendants' Production of Documents

Introduction. The parties have been working cooperatively towards the production of documents and provide the following update on each Defendant's progress. There is no dispute in this Section for the Court to address.

▪ **BenQ.** As of March 29, 2013, defendants BenQ Corporation and BenQ America Corp. (the "BenQ Defendants") have completed their document production from the BenQ Defendants' agreed custodians responsive to the parties' agreed search terms (including Chinese translated terms). Together with their prior productions, the BenQ Defendants have now produced more than 833,500 pages of discovery in these actions. They also have responded to all of plaintiffs' correspondence seeking further information about the BenQ Defendants' transactional data and narrative responses to plaintiffs' notice of 30(b)(6) deposition, and they served their second supplemental responses to plaintiffs' Interrogatories 4 and 5 on March 15, 2013.

▪ **Hitachi.** Hitachi, Ltd. ("Hitachi") provided Plaintiffs with verified, supplemental narrative responses to their Rule 30(b)(6) deposition notice on March 29, 2013. Also on March 29, as requested by Plaintiffs, Hitachi produced additional non-custodial documents referenced in its Rule 30(b)(6) narrative responses. Further, on March 29 Hitachi substantially completed its custodial document production with respect to all search terms in both English and Japanese. Because of an unforeseen technical issue, it is necessary for Hitachi to make one small supplemental custodial document production, on or around April 5, 2013, at which point Hitachi's custodial document production will be complete. Given that the deadline for Plaintiffs' motions in support of class certification has been extended by one month, to May 29, Hitachi understands that the slight delay in the completion of its custodial document production will not prejudice Plaintiffs.

▪ **HLDS.** On March 29, 2013, the HLDS Defendants completed their production of documents for the first eleven HLDS Defendant custodians listed on the December 13, 2012

1 submission to the Court, based on the parties' agreements regarding search terms and the
2 translations of those terms. Together with prior productions, the HLDS Defendants have now
3 produced more than 3.5 million pages of discovery in these actions.

4 ▪ **LG.** The LG defendants completed their production of documents for all twelve
5 prioritized custodians on March 29, 2013. This production was based on the parties' agreed
6 search terms and agreement on disputed search terms, including their agreed-upon translations of
7 those search terms.

8 ▪ **NEC.** NEC has produced all known responsive, non-privileged documents for all
9 NEC custodians agreed to with plaintiffs' counsel and listed on Attachment A to the December
10 13, 2012 discovery conference statement submitted to the Court. Productions were made on
11 February 8, 2013 and February 15, 2013.

12 On March 22, 2013 NEC served its Supplemental Narrative Responses to Plaintiffs' Joint
13 Notice of Deposition of Defendant NEC Corporation. Further, on March 8, 2013 and March 22,
14 2013 NEC made additional document productions to plaintiffs, which included recently obtained
15 transactional data and documents referenced in NEC's Supplemental Narrative Response. Lastly,
16 NEC responded to plaintiffs' remaining transactional data questions on April 1, 2013.

17 ▪ **Panasonic.** The Panasonic Defendants completed production of documents
18 responsive to the agreed-upon search terms for their 12 priority custodians on February 27, 2013.
19 Following the discovery conference on February 28, during which the Court ordered the parties
20 to resolve their dispute regarding the Panasonic Defendants' objections to Plaintiffs' edits to
21 translations of Defendants' search terms, the Panasonic Defendants submitted a revised proposal
22 on translations which was accepted by Plaintiffs. The parties resolved several additional disputes
23 unrelated to the translation issue the following week, including one that arose the evening of
24 March 7 and was the subject of a March 8 meet and confer.

25 The Panasonic Defendants have made four rolling productions, including on March 6,
26 March 15, March 22, and March 29, producing more than 75,000 documents for the priority
27 custodians. The Panasonic Defendants substantially completed production of documents for
28 their 12 priority custodians on March 29 and, pursuant to their agreement with Plaintiffs,

1 anticipate fully completing production for those custodians no later than the week of April 8,
2 2013.

3 In addition to making multiple productions of custodian data, the Panasonic Defendants
4 provided, on February 22 and March 15, responses to well over a hundred questions from
5 Plaintiffs regarding the Panasonic Defendants' transactional data. The Panasonic Defendants
6 also responded to Plaintiffs' letters asking for supplemental information regarding their 30(b)(6)
7 narrative responses on March 15, 2013 and offered to meet and confer in the event that Plaintiffs
8 had any additional questions. Finally, the Panasonic Defendants timely supplemented their
9 responses to interrogatories four and five on March 15, 2013.

10 ▪ **PLDS.** Regarding custodian files, the PLDS Entities have substantially
11 completed the document review and production of responsive materials for the top ten
12 custodians, as selected by Plaintiffs. The PLDS Entities have reached consensus with the
13 Plaintiffs regarding search terms, have applied those terms against the documents from the top
14 ten custodians, and have reviewed those documents with search terms hits for documents
15 responsive to Plaintiffs' various document requests. The PLDS Entities have been providing
16 responsive materials to Plaintiffs on a rolling basis. With its production of responsive materials
17 on April 1, 2013, the PLDS Entities substantially completed this process. The PLDS Entities last
18 week learned of one additional set of electronic files from one of the top ten custodians that was
19 inadvertently not processed for review. During a quality check of all collected and processed
20 documents, the outside vendor working with the PLDS Entities on the gathering, processing and
21 production of electronic records identified this set of electronic files that the vendor had failed to
22 process after the data collection. The PLDS Entities have discussed this issue with Plaintiffs and
23 hope to have these newly identified documents processed, reviewed and responsive documents
24 produced to Plaintiffs within two weeks. Since the last report on discovery matters, the PLDS
25 Entities also have completed the review and production of the few remaining prioritized
26 categories of documents from centralized files.

27 ▪ **Quanta.** Quanta completed its production of documents for the ten agreed-upon
28 custodians based on the search terms that the parties had initially agreed upon, and Quanta's

1 translations of those terms, on or before February 15, 2013. Quanta and Plaintiffs resolved all
2 outstanding issues regarding the remaining search terms and all translations of all search terms
3 on March 7, 2013. Based on these remaining search terms and translations, Quanta produced
4 more than 65,000 documents comprising more than 500,000 pages on or before March 29, 2013,
5 thus completing its production of documents for the ten agreed-upon custodians. To date,
6 Quanta has produced more than 125,000 documents comprising more than 1.1 million pages.

7 ▪ **Samsung.** Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics
8 America, Inc. (“SEA”) completed production for the ten SEC/SEA priority custodians, as
9 identified by Plaintiffs, for all Agreed Upon search terms by February 15, 2013. This amounted
10 to approximately 800,000 pages of documents and 55,000 native files. SEC and SEA continued
11 to meet and confer and reached agreement with Plaintiffs on Disputed terms, and subsequently
12 on Translated terms. SEC and SEA completed production of all Disputed and Translated term
13 documents, per agreement on those terms with Plaintiffs, on March 28, 2013. In total, SEC and
14 SEA have produced more than 215,000 documents, comprising more than 889,000 pages and
15 including more than 60,000 native files. SEC and SEA have also responded in full to over forty
16 detailed questions on transactional data produced in this litigation. At Samsung’s request,
17 Plaintiffs have agreed to extend the time for Samsung to supplement its narrative responses to
18 Plaintiffs’ Rule 30(b)(6) notice until April 12, 2013.

19 ▪ **Sony.** The Sony Defendants have now made 27 separate productions in this
20 matter totaling more than 1.3 million pages. The Sony Defendants have complied with the
21 Court’s order regarding deadlines for document production, as modified by agreement with the
22 plaintiffs to address a few minor issues that arose as search terms and translations applied to the
23 priority custodians were finalized.

24 ▪ **TEAC.** TEAC served its Supplemental Responses to Direct and Indirect
25 Purchaser Plaintiffs’ Interrogatories 4 and 5, and Indirect Purchaser Plaintiffs’ Interrogatory 15
26 on March 15, 2013. In regard to TEAC’s remaining production of documents for its agreed
27 custodians, the Direct and Indirect Purchaser Plaintiffs have agreed to extend the time for TEAC
28 to complete that production until April 8, 2013.

1 ▪ **TSSTK, TSST, Toshiba Corp., and TAIS:** Defendants TSSTK, TSST, Toshiba
2 Corp., and TAIS served supplemental narrative responses to certain of the Plaintiffs' Rule
3 30(b)(6) topics on March 22, 2013, and have responded by letter to other follow-up questions
4 from Plaintiffs about those responses. TSSTK, TSST, Toshiba Corp., and TAIS have also
5 responded to Plaintiffs' questions related to the produced transactional data, and have provided
6 Plaintiffs with additional and/or clarifying information as needed. With respect to custodial
7 productions, neither TSST nor Toshiba Corp. have any "prioritized" custodians subject to the
8 Court's production deadlines. Defendant TAIS has completed its review and production of
9 documents for its priority custodian. Defendant TSSTK has completed review of all custodial
10 documents returned by the "agreed upon" and previously "disputed" search terms, including
11 Korean translations of those terms, for the nine prioritized custodians selected by Plaintiffs. As
12 of March 29, 2013, TSSTK has produced all responsive, non-privileged documents to Plaintiffs
13 except for those documents that are subject to TSSTK's pending motion regarding certain
14 foreign-located documents (Dkt. 809).

15 **B. Status Update Regarding Deposition Protocol**

16 The parties continue to meet and confer on an additional deposition protocol addressing a
17 deposition protocol for departing employees, in addition to a number of other topics. The parties
18 were ordered to meet and confer regarding this protocol at the November 29, 2012 discovery
19 conference, as reflected in this Court's December 27, 2012 Order re Discovery Matters. The
20 parties are unlikely to reach agreement on this and will submit their positions to the Court
21 through a joint letter.

22 **C. Status Update Regarding Authenticity of Documents**

23 Plaintiffs have proposed a stipulation regarding the authentication of documents produced
24 in these cases. Defendants are still reviewing Plaintiffs' proposed draft, and the parties will plan
25 to submit any agreed upon stipulation for entry.

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Respectfully submitted,

DATED: April 2, 2013

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